GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA

UNSTARRED QUESTION NO:3109
ANSWERED ON:23.08.2006
PANCHAYAT ELECTIONS IN JHARKHAND
Mehta Shri Bhubneshwar Prasad

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the Panchayat elections have been held in Jharkhand;

(b) if so, the details thereof and if not, the reasons therefor;

(c) whether Jharkhand has suffered a loss of crores of rupees for not holding the elections;

(d) if so, the details thereof; and

(e) the amount of funds provided by the Union Government to Jharkhand?

Answer

MINITER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) & (b):- Panchayat elections have not been held in Jharkhand so far on account of the Jharkhand High Court striking down the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the provisions of the Jharkhand Panchayati Raj Act 2001 relating to reservations for SCs, STs and OBCs, as under:-

(i) 2nd proviso to clause (g) of Section 4 of the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 which stipulates that all seats of Chairpersons of Panchayats at all levels in Scheduled areas shall be reserved for the Scheduled Tribes.

(ii) Section 21(B), Section 40(B) and Section 55(B) of the Jharkhand Panchayat Raj Act, 2001 which seek to give effect to the 2nd proviso to clause (g) of Section 4 of the 1996 Act; and

(iii) Sub-section 2 to Section 17(B), Sub-section 2 to Section 36(B) and sub-section 2 to Section 51(B) of the 2001 Act which seek to provide reservations of upto 80% for Scheduled Castes, Scheduled Tribes and other Backward classes with not less than 50% reservation in favour of Scheduled Tribes.

In view of the Order of the Hon`ble High Court of Jharkhand, the Government of Jharkhand has withdrawn the notification for the election of Panchayats in Jharkhand.

The Union of India has since filed an SLP in the Supreme Court of India (CC No. 12459/2005) seeking to quash the judgment of the Hon`ble High Court of Jharkhand. The Chief Secretary to the Government of Jharkhand, Secretary, Rural Development, Government of Jharkhand and the Election Commission, Government of Jharkhand are proforma Respondents in this matter. The Minister of Panchayati Raj has also written to the Chief Minister Jharkhand for holding elections in the State at the earliest as per the Constitutional provisions and the provisions of PESA. The Union of India has also requested Additional Solicitor General to make a special mention in the Supreme Court of India for an early hearing of the case. An Interim Application has also been filed before the Hon`ble Supreme Court for an early hearing.

(c) to (e):- The money allocated to the Panchayats is through individual Centrally Sponsored Schemes administered by different Ministries of Government of India under their respective guidelines. The monitoring of these guidelines is the responsibility of the sponsoring Ministry concerned.